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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/089,798 | 04/03/2002 | Bernd Walther | VWP-514-A | 1054 |
| 7590 | 03/17/2004 | | EXAMINER | |
| Andrew R Basile Young & Basile Suite 624 3001 West Big Beaver Road Troy, MI 48084 | | | MCANULTY, TIMOTHY P | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3682 | |
| DATE MAILED: 03/17/2004 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|--|--------------------------------|------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 10/089,798 | WALTHER, BERND |
| | Examiner Timothy P McAnulty | Art Unit 3682 |
| <i>-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --</i> | | |
| Period for Reply | | |
| A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. | | |
| <ul style="list-style-type: none"> - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). | | |
| Status | | |
| 1) <input checked="" type="checkbox"/> Responsive to communication(s) filed on <u>10 December 2003</u> . | | |
| 2a) <input checked="" type="checkbox"/> This action is FINAL. 2b) <input type="checkbox"/> This action is non-final. | | |
| 3) <input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213. | | |
| Disposition of Claims | | |
| 4) <input checked="" type="checkbox"/> Claim(s) <u>1-5 and 7-14</u> is/are pending in the application. | | |
| 4a) Of the above claim(s) _____ is/are withdrawn from consideration. | | |
| 5) <input type="checkbox"/> Claim(s) _____ is/are allowed. | | |
| 6) <input checked="" type="checkbox"/> Claim(s) <u>1-5 and 7-14</u> is/are rejected. | | |
| 7) <input type="checkbox"/> Claim(s) _____ is/are objected to. | | |
| 8) <input type="checkbox"/> Claim(s) _____ are subject to restriction and/or election requirement. | | |
| Application Papers | | |
| 9) <input type="checkbox"/> The specification is objected to by the Examiner. | | |
| 10) <input checked="" type="checkbox"/> The drawing(s) filed on <u>03 April 2002</u> is/are: a) <input type="checkbox"/> accepted or b) <input checked="" type="checkbox"/> objected to by the Examiner. | | |
| Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). | | |
| Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). | | |
| 11) <input type="checkbox"/> The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. | | |
| Priority under 35 U.S.C. §§ 119 and 120 | | |
| 12) <input type="checkbox"/> Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). | | |
| a) <input type="checkbox"/> All b) <input type="checkbox"/> Some * c) <input type="checkbox"/> None of: | | |
| 1. <input type="checkbox"/> Certified copies of the priority documents have been received. | | |
| 2. <input type="checkbox"/> Certified copies of the priority documents have been received in Application No. _____. | | |
| 3. <input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). | | |
| * See the attached detailed Office action for a list of the certified copies not received. | | |
| 13) <input type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78. | | |
| a) <input type="checkbox"/> The translation of the foreign language provisional application has been received. | | |
| 14) <input type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78. | | |
| Attachment(s) | | |
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | | |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | | |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. | | |
| 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s) _____. | | |
| 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) | | |
| 6) <input type="checkbox"/> Other: _____. | | |

DETAILED ACTION

Drawings

1. No new drawings were received as part of the response filed 10 December 2003.
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: 16. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 1-5, and 7-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blanchet et al. in view of Mansel.

Blanchet et al. discloses in figures 1 and 2 a wiping device comprising a wiper motor 1; a gear mechanism 4; a gear housing 2; a gear housing cover 3; and an output shaft 10; wherein the gear housing has an opening on a side of the output shaft opposite a side of the output shaft to be connected to a wiper mechanism (see also lines 64-67 of column 3) but does not specifically disclose said output shaft having a crank press-fitted at an end thereof. However, Mansel teaches in figures 1 and 6 and in lines 46-59 of column 1, a crank of a wiping mechanism press-fitted on an output shaft and including a staked connection (see specifically figure 6). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to

modify the apparatus of Blanchet et al. in view of the teachings of Mansel that it is old and well known to provide a crank press-fitted on an output shaft of a wiper gear mechanism.

The limitation that the output shaft “can be supported through the opening” for press-fitting of said crank on said output shaft merely limits the claim to the ability to perform such a function. As such the disclosure of Blanchet et al. is applicable.

Response to Arguments

5. Applicant's arguments filed 10 December 2003 have been fully considered but they are not persuasive. The opening in the gear housing of Blanchet et al. is the opening covered by the housing cover, i.e., the gear housing is open along its end covered by the housing cover. Also, in lines 64-67 of column 3, Blanchet et al. discloses that the output shaft 10 “is coupled in the usual way to the screen wipers.” Mansel teaches a usual way to connect an output shaft to a crank arm. As such, the teachings of Masel are applicable to modify the apparatus of Blanchet et al. The crank arm of Blanchet et al. which is not the connecting rod system 9 located on the inside of the gear housing but an inherent “usual” coupling located outside of the gear housing away, i.e. on a side of the gear housing opposite the gear mechanism.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy P McAnulty whose telephone number is 703.308.8684. The examiner can normally be reached on Monday-Friday (7:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bucci can be reached on 703.308.3668. The fax phone number for the organization where this application or proceeding is assigned is 703.872.9326.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.308.1113.

tpm
16 March 2004


3/17/04
DAVID A. BUCCI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3300